GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

STARRED QUESTION NO:100
ANSWERED ON:04.12.2015
Surrogacy
Gaikwad Dr. Sunil Baliram;Gupta Shri Sudheer

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Government proposes to ban commercial surrogacy and to enact any statute to regulate surrogacy in the country in order to protect the rights of uneducated and indigent surrogate mothers;

(b) if so, the details thereof along with the provisions pertaining to the Non-Resident Indians, People of Indian Origin, Foreigners and the rights of the surrogate mothers and children;

(c) whether the Government has taken note of the precarious condition of poor women being lured to surrogacy; and

(d) if so, the details thereof along with the measures taken/being taken by the Government to ensure medical, nutritional and overall healthcare of surrogate mothers?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE
(SHRI JAGAT PRAKASH NADDA)

(a) to (d): A statement is laid on the Table of the House

STATEMENT REFERRED TO IN REPLY TO LOK SABHA
STARRED QUESTION NO. 100* FOR 04TH DECEMBER, 2015

(a)&(b) Yes. To prevent exploitation of surrogate mothers, Government does not support commercial surrogacy for which the Department of Health Research has drafted a comprehension legislation, Surrogacy (Regulation) Bill which is under inter-ministerial consultations.

Health being a state subject, the state Governments have been asked to constitute regulatory authorities to regulate surrogacy as per the National Guidelines for Accreditation Supervision & Regulation of ART Clinics in India issued by the Government of India in 2005.

For preventing exploitation and misuse of technology, recently the Department of Health Research has issued instructions vide letter No. V.25011/119/2015-HR dated 4th November, 2015, conveying that; (i) Ministry of Commerce has issued notification banning the import of human embryos except for research purposes; (ii) Ministry of Home Affairs has issued directions not to grant visa/permission to Foreign Nationals [including Overseas Citizen of India (OCI) cardholders] intending to visit India for commissioning surrogacy.

(b)&(c) The Government is very much aware of the precarious condition of poor women being lured to surrogacy and recently filed an affidavit in the Hon'ble Supreme Court of India in WP (c) No. 95/2015 Mrs. Jayashree Wad vs UOI and others indicating the stand of the Government of India banning the commercial surrogacy to prevent exploitation of surrogate mothers.

Provision will also be made in the draft Surrogacy (Regulation) Bill to ensure medical, nutrition and overall health care of surrogate mothers in consultation with the Ministry of Women and Child Development.

In addition to the above, PC&PNDT Act, 1994, and Medical Council of India's guidelines also cover the unethical practices in Surrogacy including exploitation of surrogate mothers.